

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY OSBORNE,

Plaintiff,

v.

SCI SOMERSET, et al.,

Defendants.

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Civil Action No. 04-73 Erie

**MEMORANDUM ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on April 2, 2004, and was referred to the United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's first report and recommendation, filed on July 26, 2005, [Doc. No. 21] recommended that the Motion to Dismiss [Doc. No. 15] filed by Defendant SCI-Somerset be granted. The magistrate judge's second report and recommendation, also filed on July 26, 2005, [Doc. No. 22], recommended that Plaintiff's complaint as against Defendant Rentschler be dismissed for failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the case, together with the reports and recommendations, the following order is entered:

AND NOW, this 16<sup>th</sup> day of August, 2005,

IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss [Doc. No. 15] is GRANTED. IT IS FURTHER ORDERED that the Complaint is DISMISSED for failure to prosecute.

The reports and recommendations of Magistrate Judge Baxter, dated July 26, 2005, are adopted as the opinions of the Court.

The clerk is directed to mark the case closed.

s/ Sean J. McLaughlin  
United States District Judge

cc: All parties of record.